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B-D
PATENT 3-102
DOCKET NO.: 1538/15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : S. Schwartz
SERIAL NO. : 09/072,412
FILED : May 4, 1998
FOR : MICROPHONE-TAILORED EQUALIZING SYSTEM
GROUP ART UNIT : 2747
EXAMINER : B. Pendleton

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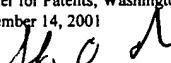
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Shawn W. O'Dowd (Reg. No. 34,687)
KENYON & KENYON

SUPPLEMENTAL COMMENTS CONCERNING RESTRICTION REQUIREMENT

SIR:

This communication provides further comment to the Response filed on October 3, 2001.

With respect to the Examiner's grouping of claims in groups I and II, it is respectfully submitted that the inventions described in claims 1 and 6 each refer to the comparison of reference sounds to actual sounds from an instrument. The key difference between these claims is that one specifies that a microphone picks up the reference sounds while the other does not.

With respect to the Examiner's grouping of claims in groups II and III, it is respectfully submitted that though several instruments are referred to in the claims of group III, the comparison of reference sounds to actual sounds occurs one instrument at a time. Also, the performance of the comparison for multiple instruments is found in claims of groups I, II, and III.

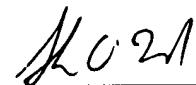
As stated previously, it is respectfully submitted that the restriction requirement for the claims of groups I, II, and III is in error. There does not appear to be sufficient distinctiveness between the inventions to warrant this requirement. Reconsideration and withdrawal of the restriction requirement is respectfully requested.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

Dated: November 14, 2001

By:


Shawn W. O'Dowd
Reg. No. 34,687

KENYON & KENYON
333 West San Carlos St.
San Jose, CA 95110
(408) 975-7500 telephone
(408) 975-7501 facsimile

SJI-29363

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Application Number	09/072,412
Filing Date	May 4, 1998
First Named Inventor	Stephen R. SCHWARTZ
Group Art Unit	2747
Examiner Name	B. Pendleton

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Total Number of Pages in This Submission

3

Attorney Docket Number

1538/15

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- Fee Transmittal Form
- Fee Attached
- Amendment / Response
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s)

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):

SUPPLEMENTAL COMMENTS
CONCERNING RESTRICTION
REQUIREMENT

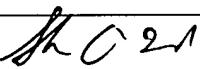
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	SHAWN W. O'DOWD
Signature	
Date	November 14, 2001

CERTIFICATE OF MAILING

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